

**UNITED STATES DISTRICT COURT**

## DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

**CASE NO: 2:21-mj-00924-VCF**

Plaintiff,

VS.

## BRANDON WALLACE

## **ORDER TO CONTINUE INITIAL APPEARANCE (SECOND REQUEST)**

### Defendant

## **FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the court hereby finds that:

## CONCLUSIONS OF LAW

Based upon the fact that counsel has agreed to a continuance, the Court hereby concludes that:

1. On February 8, 2022, Mr. Wallace retained the undersigned defense counsel.
2. The undersigned defense counsel has a scheduling conflict with a State Court matter.
3. Mr. Wallace is out of custody and consents to this request.
4. Denial of this requests for continuance could result in a miscarriage of justice.
5. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. §3161(h)(7)(A), when considering the factors under 18 U.S.C. §§3161(h)(7)(B) and 3161(h)(7)(B)(iv).

- 1 6. The additional time requested herein is not sought for purposes of delay and the denial of
- 2 this request for continuance could result in a miscarriage of justice.
- 3 7. For all the above-stated reasons, the ends of justice would be best served by the continuance
- 4 of the Initial Appearance in this case.
- 5 8. This is the second request for a continuance of the Initial Appearance.

6 The ends of justice are served by granting said continuances and outweigh the best interest  
7 of the public and the Defendants' right to a speedy trial, since the failure to grant aid continuance  
8 would be likely result in a miscarriage of justice as it would deny the parties herein sufficient time,  
9 and the opportunity within which to effectively and thoroughly prepare and file pretrial motions,  
10 responses, and replies, and prepare for trial taking into account the exercise of due diligence.

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## **ORDER**

**IT IS HEREBY ORDERED** that the **Initial Appearance** in this matter scheduled for February 10, 2022, at the hour of 11:00 a.m., is hereby vacated and continued to the 17th day of March, 2022, at the hour of 11:00 a.m. in Courtroom 3D.

DATED:February 8, 2022

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## United States Magistrate Judge